

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

PHARMERICA EAST, LLC

d/b/a PharMerica,

Plaintiff,

v.

**HEALTHLINK OF VIRGINIA
SHORES, LLC**

**d/b/a Beacon Shores Nursing &
Rehabilitation Center,**

Defendant.

Case No. 20-FJ-3-G

ORDER

On February 20, 2020, a Judgment¹ was rendered in the United States District Court for the Eastern District of Virginia in favor of Plaintiff PharMerica East, LLC d/b/a PharMerica (“PharMerica”) and against Defendant HealthLink of Virginia Shores, LLC d/b/a Beacon Shores Nursing & Rehabilitation Center (“HealthLink”) in Civil Action No. 2:19cv456. PharMerica thereafter registered and filed the Judgment in this Court, and the matter was referred to Magistrate Judge Gary M. Purcell for consideration of postjudgment collection matters in accordance with 28 U.S.C. § 636.

On December 21, 2020, a Garnishment Summons was issued on the Judgment to Garnishee Bank of Oklahoma, *see* Doc. No. 15. Bank of Oklahoma duly answered (Doc.

¹ The Judgment against HealthLink is in the amount of \$158,746.39 for unpaid invoices and accrued interest through October 11, 2019, plus \$69,212 in lost profits, attorney’s fees and costs of \$12,536.19, plus prejudgment interest, and postjudgment interest at the rate of 1.59%.

No. 17), stating that it was holding \$26,351.97 in an account in the name of HealthLink of Virginia Shores, LLC (the “HealthLink Account”). PharMerica then filed a Motion to Declare Ownership (Doc. No. 19) of the funds being held in the HealthLink Account. In addition, an entity identifying itself as The Citadel Virginia Beach, LLC, appearing through counsel, filed an Objection to the garnishment, claiming it is the rightful owner of \$23,851.44 of the funds in the HealthLink Account. *See* Doc. No. 21; *see also* Doc. No. 23 (PharMerica’s response to Objection).

On February 24, 2021, Judge Purcell issued a Report and Recommendation (“R. & R.” (Doc. No. 24)) recommending that PharMerica’s Motion to Declare Ownership be granted to find that HealthLink is the owner of all funds being held in the HealthLink Account and that the Court direct Bank of Oklahoma to release those funds to PharMerica pursuant to the Garnishment Summons of December 21, 2020. *See id.* at 3-4. The R. & R. advised the parties of their right to file objections by March 16, 2021. Judge Purcell also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the R. & R. *See id.* at 4.

As of this date, no party or entity has filed an objection to the R. & R.

CONCLUSION

Accordingly, the Report and Recommendation of February 24, 2021 (Doc. No. 24) is ADOPTED in its entirety. The Motion to Declare Ownership filed by PharMerica East, LLC d/b/a PharMerica (Doc. No. 19) is GRANTED. Garnishee Bank of Oklahoma is directed to pay the total sum of \$26,351.97 held in the account in the name of HealthLink of Virginia Shores, LLC, to the attorney for PharMerica East, LLC d/b/a PharMerica

pursuant to the Garnishment Summons issued December 21, 2020, and the Answer filed thereto.

IT IS SO ORDERED this 31st day of March, 2021.



CHARLES B. GOODWIN
United States District Judge